

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
Catia Bastioli, et al. )  
 )  
Serial No.: 09/936,534 ) July 10, 2003  
 )  
International Filing Date: March 14, 2000 )  
 )  
For: **ARTICLES TO BE CHEWED BY ANIMALS** )

**RENEWED PETITION UNDER 37 C.F.R. § 1.181  
TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.137(a), OR,  
IN THE ALTERNATIVE, UNDER § 1.137(b)**

Commissioner for Patents  
Mail Stop PCT  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn. Office of PCT Legal Administration

Sir:

**RECEIVED**

**11 SEP 2003**

**Legal Staff  
International Division**

The above-captioned application was held abandoned on January 27, 2003. On January 29, 2003, applicants filed a paper entitled "Petition to Revive Abandoned Application Under 37 C.F.R. § 1.137(a) or in the Alternative, Under 37 C.F.R. § 1.137(b)." A copy of that paper is attached as Exhibit A, and is incorporated into this renewed petition in its entirety.

On June 23, 2003, a decision denying the petition was mailed ("the Decision"). The Decision was received in the undersigned's offices on June 30th. Due to the 4th of July holiday and vacation schedules, the Decision was only brought to the undersigned's attention on July 9th.

Reconsideration of the Decision is respectfully requested. It is not believed that any fee is due, but if it is determined that a fee is due, please charge such fee to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.

In the Decision, Attorney-Advisor Anthony Smith explained that the Petition was denied because "a copy of the docket record where the non-received Office Action would have been entered had it been received" was not included with the original petition. Accordingly, a copy of that docket record is enclosed as Exhibit B. Also enclosed as Exhibit C - as suggested by Attorney-Advisor Smith in the Decision - is a copy of a report from the undersigned's docketing system showing all applications for which a response was due on January 15, 2002. For completeness, another docket report, showing all actions due between January 14 and January 16, 2002, is also enclosed as Exhibit D.

In view of the information and documents presented herein, in conjunction with the original petition, it is respectfully requested that the holding abandonment be withdrawn. Please direct any questions to the undersigned

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on July 10, 2003.



Respectfully submitted,

By: 

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If any of the above checks are missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467.

Papers to enter the National Phase under 35 U.S.C. § 371 were filed on September 14, 2001. On December 5, 2001, an Information Disclosure Statement was filed. On January 27, 2003, the undersigned's office made a telephonic status inquiry regarding the application, and were informed that a document entitled "Notification of Missing Requirements Under 35 U.S.C. § 371 In the United States Designated/Elected Receiving Office (DO/EO/US)" (hereinafter "Missing Parts Notification") had been mailed to applicants' attorneys on November 15, 2001, and that a Notice of Abandonment was being issued that day (January 27). At our request, copies of each of those documents were faxed to us.

On January 28, a search of the undersigned's law firm's docket records and the file for this application was performed which showed that the Missing Parts Notification was never received, although other mailings from the PTO which were sent at about the same time (from October 15 through November 30, 2001) were received. The undersigned does not know why the Missing Parts Notification was not received, but suspects it may be related to the disruptions in the mail caused by the anthrax situation which occurred about that time.

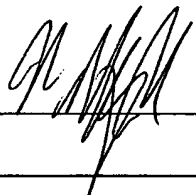
In view of the fact that the Missing Parts Notification was never received, it could never have been responded to, and abandonment of the application was unavoidable. Moreover, because this petition is being filed only two days after the Notice of Abandonment was issued and the earlier issued Missing Parts Notification was received,

applicants submit that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition to revive was unavoidable. Accordingly, revival pursuant to the provisions of 37 C.F.R. § 1.137(a) is requested and is appropriate.

It is applicants' belief that the abandonment was unavoidable and was certainly unintentional. Therefore, if it is determined that revival pursuant to 37 C.F.R. § 1.137(a) (unavoidable abandonment) will not be granted, revival pursuant to 37 C.F.R. 1.137(b) (unintentional abandonment) is requested. If necessary, the additional fees may be charged to Deposit Account 02-4467.

Applicants respectfully submit that the enclosed papers and fees complete the Petition for Revival of Abandoned Application and request revival of the application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on January 29, 2003.

  
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Respectfully submitted,

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